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APPLICATION NO.	PLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,409	09/05/2003		Francis D. D'Aguanno	P 25,784-A USA	7393
23307	7590	09/26/2006		EXAMINER	
		LECHNER, LLP	CHIN, RANDALL E		
2600 ARAM 1101 MARK			ART UNIT	PAPER NUMBER	
PHILADELPHIA, PA 191072950				1744	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
	10/656,409	D'AGUANNO, FRANCIS D.				
Office Action Summary	Examiner	Art Unit				
	Randall Chin	1744				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period was really within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim fill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	L. ely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on						
2a) ☐ This action is FINAL . 2b) ☑ This	action is non-final.					
3) Since this application is in condition for allowar	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
 4) ⊠ Claim(s) 1-13 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☒ Claim(s) 1-8 and 10-13 is/are rejected. 7) ☒ Claim(s) 9 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or 	vn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine 11).	epted or b) objected to by the Edrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	ected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of the priority 	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on No d in this National Stage				
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:	te				

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DETAILED ACTION

Drawings

1. The drawings are objected to because it appears the lead line for numeral 21 (i.e., straight section 21 as recited on p. 7, lines 9-10) is misdirected.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference numeral **31** as shown in Fig. 1b and 3.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Slot 22 as recited on p. 7, line 6, pin 34a as recited on p. 8, lines 12 and 13, and pin 35a as recited on p. 8, line 12.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet

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submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

On p. 7, lines 14-21, there are two (2) recitations of a "tapered" arrangement (line 17 and 20) and the **description is unclear** as to whether these two "tapered" recitations are referring to the <u>same</u> structural feature or is descriptive of **two separate** features. Please see Figs. 1b and 3.

On p. 8, line 13, the recitation "pins 34a, 34b" appears incorrect since only pins 34a and 35a have been previously set forth (see p. 8, lines 1-13).

On p. 9, line 18, it appears "slot 26" should read --slot 36-- (see p. 9, line 7).

On p. 9, line 21, "the any material" is awkwardly written.

Appropriate correction is required.

Claim Objections

5. Claim 3 is objected to because of the following informalities:

Claim 3, line 3, it appears "another" should read –the other—for clarity. Please compare with claim 12, line 3.

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Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Whiting 2,106,584 (hereinafter Whiting).

The patent to Whiting discloses a foldable hand tool (Fig. 1) having an open position (Fig. 1) and a closed position (Fig. 6), comprising a first section 5 having a first inner side, a second section 6 having a second inner side, and a connector section at 4, 7, 8, said connector section connected pivotably to said first section 5 at a first connection point 7, and said connector section connected pivotably to said second section 6 at a second connection point 8, wherein said first connection point and said second connection point are spaced from one another (Fig. 1) and positioned such that said first inner side of said first section is capable of contacting said second inner side of said second section when said tool is in the closed position (Fig. 6).

As for claim 2, a protruding member defined by jaw 2 is affixed to the first section 5 (Figs. 1 and 3).

As for claim 3, an alignment member at 4 (Fig. 3) affixed (at least indirectly) to one of said first and second sections; and a recess in the other of said one of said first

and second sections, wherein said recess cooperates with said alignment member to assure proper alignment (Fig. 6) of said first section and said second section when the device is in the closed position.

As for claim 4, said alignment member and said recess are cylindrical in shape (Figs. 3 and 6).

As for claim 5 reciting that the tool is a device for cleaning and reconditioning grooves on a golf club head, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

As for claim 7, said protruding member 2 is completely encapsulated in the closed position (Fig. 6).

As for claim 8, said protruding member 2 comprises a "blade" (i.e., can be a wall of jaw 2 as can be seen in Fig. 3).

Claim Rejections - 35 USC § 103

- 8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whiting.

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As for said first section and said second section each being approximately 2 inches in length (if not already), it would have been obvious to one of ordinary skill in the art to have modified Whiting's first and second sections to be of such a length in order to be sufficiently graspable by a user without slippage during manipulation.

10. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Palamara 4,482,263 (hereinafter Palamara).

The patent to Palamara discloses a foldable hand tool (Figs. 1-3), said tool having an open position (Fig. 2) and a closed position (Fig. 3), said tool comprising a first section 16 having a first inner side, a second section 17 having a second inner side, a protruding member defined by brush 12 affixed to said first section 16, a trough or slot 13 disposed in said second section 17 and configured to receive said protruding member 12 (Fig. 3) when said tool is in said closed position, and a connector section at living hinge 15 connected pivotably to said first section 16 at "a first connection point" (merely a **point** which can be at one end of living hinge 15) opposite said protruding member, said connector section further being connected pivotably to said second section at a second connection point (merely a **point** which can be at an opposite end of living hinge 15) opposite said slot, wherein said first connection point and said second connection point are spaced from one another and positioned such that said first inner side of said first section is capable of contacting said second inner side of said second section when said tool is in the closed position (Fig. 3)

As for cleaning grooves of golf clubs, a recitation of the intended use of the

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claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

11. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Warren 416,526 (hereinafter Warren).

The patent to Warren discloses a foldable hand tool (Figs. 1-3), said tool having an open position (Fig. 1) and a closed position (Fig. 2), said tool comprising a first section A having a first inner side, a second section C having a second inner side, an arm or protruding member B affixed to said first section A, a recess or slot D disposed in said second section C and configured to receive said protruding member 12 (Fig. 2) when said tool is in said closed position, and a connector section connected pivotably to said first section A at "a first connection point" O opposite said protruding member, said connector section further being connected pivotably to said second section at a second connection point O opposite said slot, wherein said first connection point O and said second connection point O are spaced from one another and positioned such that said first inner side of said first section is capable of contacting said second inner side of said second section when said tool is in the closed position (Fig. 2).

As for cleaning grooves of golf clubs, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior

art. If the prior art structure is capable of performing the intended use, then it meets the claim.

As for claim 11, said protruding member comprises an arm or blade B.

As for claim 12, Warren teaches a closed position of the tool in Fig. 2. When the tool is closed an "alignment member" a affixed to first section A which cooperates with a back of blade. It is the position of the Examiner that one skilled in the art would find it obvious to provide for a recess being configured to cooperate with said alignment member to assure proper and secure alignment of said first section and said second section when the tool is in the closed position (already shown in Fig. 2). Such arrangement is already suggested by Warren at a different location where a pin or "alignment member" b cooperates with recess e (Figs. 2 and 3). As for claim 13, accordingly, the pin and alignment member are cylindrical in shape, and said alignment member is capable of being seated, at least partially, into said recess when said tool is closed.

Allowable Subject Matter

12. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Godfrey, Ping, Nian, Ibelli, Heilrath, Kinney, Schwartz, and Hainey are relevant to various pivoting tools or scraper configurations for golfers.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) of 571-272/1000.

Randall Chin Primary Examiner

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